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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,659	09/29/2003	Chun Te Yu	EL-CFP00414	8271
25864	7590	09/18/2007	EXAMINER	
CHARLES C.H. WU			GALL, LLOYD A	
98 DISCOVERY			ART UNIT	
IRVINE, CA 92618-3105			PAPER NUMBER	
			3676	
			MAIL DATE	DELIVERY MODE
			09/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,659

Applicant(s)

YU ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2006 and 02 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

At the outset, it is noted that the present application is not entitled to the benefit of the filing date of the provisional application (331), as the provisional application does not provide support for such claimed elements as including the key lock, the stem connected to the shackle, a driving rod between a key lock and a mounting portion of the block.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 13 and 30, drawn to a padlock, classified in class 70, subclass 21.
- II. Claim 31, drawn to a method of inspecting baggage, classified in class 235, subclass 384.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product can be used to lock any other element, such as a hasp used in locking a pair of adjacent doors, or a door to a door frame.

Newly submitted claim 31 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: See the above paragraphs.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 31 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loughlin (324) in view of Fleming (866) and Lai (672).

Loughlin (324) teaches, and in relying upon its provisional application 60/470,999, as seen in figs. 5a and 5b, a padlock with a combination lock 14 controlling movement of the longer shackle leg in its channel, and a second channel receiving the block 32 having a receptacle 34 to control unlocking movement of the shorter leg of the shackle, the block having an engaging portion which includes the receptacle 34 and its laterally extending gap, and a mounting portion (not shown) under the engaging portion which is coupled to the key lock, wherein as disclosed in paragraph 0137 on page 11, the block may be key actuated from the bottom of the padlock body, and includes a connection between the block 32 and the first locking means key plug. The gap of the engaging

portion has a width larger than a diameter of the shorter arm of the shackle. The longer arm of the shackle is controlled by a second combination locking means 14. Loughlin also teaches in fig. 2b and in paragraph [0086], in particular the last line of paragraph [0086] with respect to all embodiments including fig. 5a and 5b, the longer shackle arm 18 cooperating with the numeral wheels to allow or prevent vertical unlocking motion of the shackle. As seen in figs. 14-18, Fleming et al teaches a well known key lock 95 to block 88 connection, including a body 95 in fig. 18 having a rotor therein with a keyhole at a bottom end thereof for being engaged with a key, and a driving rod 87 extending from the second end of the rotor to be engaged with a mounting portion slot of the block 88. The key lock of Fleming is rotatable only by the key. Lai teaches a shackle 22 including a stem 34 cooperating with the numeral wheels of the lock and wherein the stem is connected to the long arm 33 of the shackle. It would have been obvious to modify the figs. 5a and 5b embodiment of Loughlin such that the long shackle arm 18 is allowed upward unlocking movement when the combination wheels are unlocked, in view of the fig. 2b embodiment of Loughlin et al, the motivation being to optimize the security of the padlock by requiring the proper unlocking combination to be known and used. It would have been obvious to modify the key lock to block 32 connection of Loughlin to include a rotor having a keyhole at its bottom end to receive a key and be rotatable only by the key, and a driving rod extending from the second end of the rotor to be engaged with a mounting portion of the block 32, in view of the teaching of Fleming et al, the motivation being to ensure simultaneous rotation of the block 32 of Loughlin with rotation of its key lock. It would have been obvious to modify the long

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shackle arm 18 of Loughlin such that it is connected to a stem which extends through the numeral wheels and is controlled by the numeral wheels for unlocking upward movement, in view of the teaching of Lai, the motivation being to optimize the security of the padlock by requiring the proper unlocking combination to be known and used.

Applicant's arguments with respect to claims 13 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

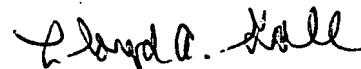
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lloyd A. Gall
Primary Examiner
Art Unit 3676

LG LG
September 14, 2007